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[ 1] IN THE UNITED STATES DISTRICT COURT  
[ 2] IN AND FOR THE DISTRICT OF DELAWARE

[ 3] WILLIE DAVIS, JR., )  
[ 4] NATHANIEL BRIDDELL, )  
[ 5] GEORGE W. FEDDIMAN, )  
[ 6] JOSEPH GARRISON, )  
[ 7] Plaintiffs, )  
[ 8] -vs- ) C.A. No. 04-0414  
[ 9] MOUNTAINE FARMS, INC., )  
[ 10] MOUNTAINE FARMS OF )  
[ 11] DELMARVA, INC., and )  
[ 12] MOUNTAINE FARMS OF )  
[ 13] Defendants. )

[10] Deposition of JOSEPH GARRISON, taken before  
[11] Pamela C. Washington, Registered Professional Reporter  
[12] and Notary Public, at the law offices of Young,  
[13] Conway, Stargatt & Taylor, 110 West Pine Street,  
[14] Georgetown, Delaware, on January 14, 2005, beginning  
[15] at 10:00 a.m.

## [17] APPEARANCES:

[18] On behalf of the Plaintiffs:  
[19] Margolin Edelstein  
[20] BY: JEFFREY K. MARTIN, ESQ.  
[21] and KERI L. WILLIAMS, ESQ.  
[22] 1509 Gilpin Avenue  
[23] Wilmington, Delaware 19806

[22] On behalf of the Defendants:  
[23] Shawe Rosenthal  
[24] BY: ARTHUR M. BREWER, ESQ.  
[25] and LAURA A. PIERSON SCHEINBERG, ESQ.  
[26] 20 South Charles Street 11th Floor  
[27] Baltimore, Maryland 21201

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[ 1] WHEREUPON:

[ 2] JOSEPH GARRISON,

[ 3] having first been duly sworn by the court reporter,  
[ 4] thereupon testified upon his oath as follows:

[ 5] MR. BREWER: You have noted the  
[ 6] appearances for the record, Madame Reporter?

[ 7] THE COURT REPORTER: Yes.

[ 8] MR. BREWER: We have the standard  
[ 9] stipulation with respect to --

[10] MR. MARTIN: In Delaware, we don't have  
[11] any standard stipulations, but I'll be glad to  
[12] stipulate --

[13] MR. BREWER: As to the form of the  
[14] question, would be the objections.

[15] MR. MARTIN: Yes.

[16] MR. BREWER: Okay, that's fine.

[17] BY MR. BREWER:

[18] Q All right. Mr. Garrison, have you ever  
[19] been deposed before?

[20] A Yes.

[21] Q You have? Can you tell me when?

[22] A No, not proposed, no, I haven't,  
[23] not --

[24] Q Deposed like having a deposition like  
[25] we're doing today.

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[ 1] I-N-D-E-X

[ 2] Witness:

[ 3] JOSEPH GARRISON  
[ 4] Examination by Mr. Brewer

[ 5] Exhibits Marked  
[ 6] Garrison Exhibit 1 .....  
[ 7] Garrison Exhibit 2 .....  
[ 8] Garrison Exhibit 3 .....  
[ 9] Garrison Exhibit 4 .....  
[10] Garrison Exhibit 5 .....  
[11] Garrison Exhibit 6 .....  
[12] Garrison Exhibit 7 .....  
[13] Garrison Exhibit 8 .....  
[14] Garrison Exhibit 9 .....  
[15] Garrison Exhibit 10 .....  
[16] Garrison Exhibit 11 .....  
[17] Garrison Exhibit 12 .....  
[18] Garrison Exhibit 13 .....  
[19] Garrison Exhibit 14 .....  
[20] Garrison Exhibit 15 .....  
[21] Garrison Exhibit 16 .....  
[22] Garrison Exhibit 17 ..... 2

[15] CERTIFICATE OF COURT REPORTER ..... 2

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

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[ 1] A No, no, no.

[ 2] Q Have you ever done this before?

[ 3] A No, no.

[ 4] Q Okay, thank you. You understand that  
[ 5] you are under oath today, and that you have an  
[ 6] obligation to tell the truth?

[ 7] A Yes.

[ 8] Q All right. This is obviously informal,  
[ 9] but it has the same significance and force as if you  
[10] were with a judge in a courtroom, do you understand  
[11] that, sir?

[12] A Yes.

[13] Q Okay. I'll be asking you a series of  
[14] questions; the court reporter, as you can see, will be  
[15] taking down your answers. At trial, if it comes to  
[16] trial, I will have an opportunity to bring to the  
[17] attention of the judge or jury any changes or  
[18] conflicts in your testimony here today and any future  
[19] proceedings, do you understand that?

[20] A Yes.

[21] Q Okay. I would basically ask you this

[22] and that is not to answer any q

[23] you do not understand. If you

[24] question, please ask me to rep

[25] it, okay?

EXHIBIT

D

tabbles

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- [ 1] believe, that was your responsibility to perform?
- [ 2] A Yes.
- [ 3] Q And then you're supposed to check with
- [ 4] the driver to make sure his load is secure?
- [ 5] A Yes.
- [ 6] Q Okay. The document goes on to talk
- [ 7] about catching methods, talks about night catching,
- [ 8] day catching --
- [ 9] A Yes.
- [10] Q -- and so forth, tunnel ventilation and
- [11] all of those things --
- [12] A Yes.
- [13] Q -- these are all responsibilities the
- [14] crew leader has --
- [15] A Yes.
- [16] Q -- to make sure these things are done?
- [17] A Yes.
- [18] Q Okay, all right. Now, let me ask you a
- [19] couple of questions, Mr. Garrison. If I repeat
- [20] myself, please forgive me. You mentioned before I
- [21] think that you maintain a crew of seven catchers?
- [22] A Yes.
- [23] Q There's also a forklift driver
- [24] associated with the crew, isn't there?
- [25] A I don't pick him up.

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- [ 1] that person that day, is that what you mean?
- [ 2] Q Someone who's not normally a member of
- [ 3] your crew, have you ever worked with people who are
- [ 4] not normally members of your crew?
- [ 5] A Yes.
- [ 6] Q And how does that happen?
- [ 7] A If I need somebody, if I'm
- [ 8] short-handed, I can get up with the dispatcher and I
- [ 9] would let him know that I need a man. Or if not, I
- [10] can get up with my supervisor and let him know that I
- [11] need a man. And what they would do, they would send
- [12] somebody out there with -- for me and help me catch
- [13] the chickens.
- [14] Q Okay. But sometimes you catch them
- [15] short?
- [16] A Sometime I do.
- [17] Q Okay. Now, let me ask you this: You
- [18] are responsible, we have Exhibit 2 there that you're
- [19] looking at, you're responsible for ensuring that the
- [20] catchers, drivers, and the forklift operators follow
- [21] the procedures that are outlined there?
- [22] A Yes.
- [23] Q Okay. And I think you have already
- [24] talked about how you interact with the growers if the
- [25] feeders aren't up, and so you're responsible for that?

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- [ 1] Q No, no, I'm not asking you that, but
- [ 2] he's part of the crew?
- [ 3] A Yes, he is. Yes, he is.
- [ 4] Q And the forklift driver gets to the
- [ 5] farm by himself?
- [ 6] A Yes.
- [ 7] Q So we have then seven catchers and a
- [ 8] forklift operator is on a normal catching crew?
- [ 9] A Yes.
- [10] Q Okay. How is it determined who is on
- [11] your crew?
- [12] A I picks them up and I writes the names
- [13] down on my time sheet.
- [14] Q All right. So in other words, you know
- [15] the people who are on your crew?
- [16] A Yes.
- [17] Q Okay. Are employees ever assigned to
- [18] your crew that are not normally on your crew?
- [19] A Repeat that question again.
- [20] Q Sure. You have a regular crew
- [21] generally?
- [22] A Yes.
- [23] Q Does there come a time when somebody
- [24] who's not on your crew gets assigned to your crew?
- [25] A What do you mean assigned? Just using

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- [ 1] A Yes.
- [ 2] Q Okay. You're also responsible for
- [ 3] maintaining the full crew, aren't you?
- [ 4] A Yes, I am.
- [ 5] Q You also have responsibility for
- [ 6] maintaining a good relationship with the growers,
- [ 7] aren't you?
- [ 8] A Yes.
- [ 9] Q And you basically are telling the
- [10] catchers, we went through this, how to go about
- [11] setting up the house and catching them, and watching
- [12] for smothers and everything else, right?
- [13] A Yes.
- [14] Q Okay, that's fine. All right, now, who
- [15] hires the catchers?
- [16] A Doug Lynch.
- [17] Q Doug Lynch? Okay. Have you ever
- [18] recommended to Mr. Lynch that a catcher be hired?
- [19] A Yes.
- [20] Q And has the catcher been hired?
- [21] A Sometime. Sometime he not.
- [22] Q Can you give me the name of catchers
- [23] that you have recommended to Mr. Lynch who have not
- [24] been hired?
- [25] A Yes.

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[ 1] Q Okay.

[ 2] A I'm trying to think. I mean it's not

[ 3] that many I know of right off. I know the only thing

[ 4] I know maybe one of them, one of them like Woodell

[ 5] Foreman, I recommend him one time, but it's -- he's

[ 6] just been there before and he just didn't hire him

[ 7] back, that's all.

[ 8] Q Let me sort of zero in on this now a

[ 9] little. The time that I'm referring to about

[10] referring somebody, that's only since you have been a

[11] crew leader, I'm not interested in when you were a

[12] catcher, okay? So since you have been a crew leader,

[13] you recommended Mr. Foreman?

[14] A At one time I have, yes.

[15] Q And he had worked at the company

[16] previously?

[17] A Before, yes.

[18] Q And how did he come not to be employed

[19] by the company, if you know?

[20] A Repeat that.

[21] Q Was he fired?

[22] A I don't know.

[23] Q But he worked before and Mr. Lynch said

[24] no?

[25] A Right, yes.

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[ 1] bring him in, sign him up"?

[ 2] A Uh-huh. Yes.

[ 3] Q We tried to get some information on

[ 4] this before, but let me try this a little bit

[ 5] differently, Mr. Garrison. If somebody in your crew

[ 6] needs to have a day off, okay?

[ 7] A Yes.

[ 8] Q They need to have tomorrow or let's say

[ 9] next Monday off?

[10] A Yes.

[11] Q And that would make you short a

[12] catcher?

[13] A Yes.

[14] Q How do you go about getting that man's

[15] position filled for the Monday, just for the one day?

[16] A I would probably try get somebody off

[17] another crew.

[18] Q Okay. Describe what you would do to

[19] make that happen.

[20] A I would get up with the crew leader.

[21] Q The other crew leader?

[22] A Yes. And I would ask him could I use

[23] somebody on his crew, if they were available. And he

[24] would get back up with me and let me know whether they

[25] are or not.

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[ 1] Q How many people have you recommended to

[ 2] Mr. Lynch be hired and he has hired them?

[ 3] A Rough guess, maybe three.

[ 4] Q Three? Okay. Three or four, something

[ 5] like that?

[ 6] A Yes.

[ 7] MR. MARTIN: For the record, he said

[ 8] three.

[ 9] MR. BREWER: He said three, all right.

[10] BY MR. BREWER:

[11] Q Is it three, or could it be more?

[12] A No, definitely couldn't be more.

[13] Q How did you go about making that

[14] recommendation to Mr. Lynch?

[15] A I just asked him that I probably needed

[16] another man, and I like you look to hire this guy.

[17] Q Okay.

[18] A And he asked me just bring him in, get

[19] him signed up.

[20] Q That's what he told you?

[21] A Yeah.

[22] Q So in the three cases that we have

[23] talked about, you have needed a man, gone to Mr. Lynch

[24] and said, "I need a man, and I have this fellow," and

[25] you have given him a name, and he has said, "Okay,

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[ 1] Q All right.

[ 2] A You know, sometime I be able to use

[ 3] one, sometimes I can't.

[ 4] Q Okay. And does it ever happen that a

[ 5] crew leader, another crew leader comes to you and

[ 6] says, "I need somebody; can you assign somebody to my

[ 7] crew for Monday?"

[ 8] A Yes.

[ 9] Q All right. And you will make the

[10] decision as to whether you can or can't?

[11] A Yes.

[12] Q Do you decide which person you're going

[13] to assign to the other fellow's crew?

[14] A Yes.

[15] Q Okay. Do catchers sometimes work

[16] double shifts?

[17] A Yes.

[18] Q Tell me how that happens.

[19] A It would have to be on the right shift

[20] for to be able to do it. What I'm saying is, okay --

[21] Q Take your time.

[22] A If a catcher on night shift, he would

[23] be able to work with somebody on the 1:00 o'clock

[24] shift the next day he be off, that's the only way you

[25] can do it.

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- [ 1] expect to be paid, I don't show up and you don't
- [ 2] approve it, does anything happen to me?
- [ 3] A Repeat one more time.
- [ 4] Q Sure. If I ask you for Monday off,
- [ 5] today being Friday, and I tell you, "Mr. Garrison,"
- [ 6] I'm a member of your crew, "I would like to be off on
- [ 7] Monday."
- [ 8] A Yes.
- [ 9] Q "I don't expect to be paid, I don't
- [10] want to be paid, but I just need the day off,"
- [11] A Right.
- [12] Q And you tell me no, okay? You tell me
- [13] no, I can't do that --
- [14] A Right.
- [15] Q -- okay? And I don't show up to work
- [16] on Monday, does anything happen to me?
- [17] A Yeah, he's supposed to be written up.
- [18] Q Okay, who writes them up?
- [19] A I do.
- [20] Q Tell me what happens, to the best of
- [21] your knowledge, based on your experience, what happens
- [22] if a catcher is injured while working on a farm
- [23] catching chickens, hurts himself?
- [24] A Well, we sends him in with a truck
- [25] immediately.

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- [ 1] A Yes.
- [ 2] Q I think we have covered this, but if
- [ 3] there is damage to the farm caused by your crew --
- [ 4] A Yes.
- [ 5] Q -- that is information that you fill
- [ 6] out on the farm report --
- [ 7] A Yes.
- [ 8] Q -- which is Exhibit I to your
- [ 9] deposition?
- [10] A Yes.
- [11] Q That's where you make that notation?
- [12] A Yes.
- [13] Q And it is your responsibility to fill
- [14] that out?
- [15] A Yes.
- [16] Q Now, we covered this a little bit
- [17] before but I just want to make sure I completely
- [18] understand it. I think I had asked you if a crew
- [19] leader, another crew leader such as yourself, were
- [20] short a man --
- [21] A Yes.
- [22] Q -- and he needed an extra man --
- [23] A Yes.
- [24] Q -- he could come to you and ask you
- [25] could you spare a man from your crew?

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- [ 1] Q I'm sorry, which men do you send?
- [ 2] A If one of the catcher hurt theirself --
- [ 3] Q Yes.
- [ 4] A -- his hand, something like that, we
- [ 5] would send them to the nurse.
- [ 6] Q Who will send him to the nurse?
- [ 7] A I would.
- [ 8] Q How do you do that?
- [ 9] A I let him go in with the truck driver.
- [10] Q Okay.
- [11] A Most of the times.
- [12] Q Go back to the plant?
- [13] A Yes.
- [14] Q Suppose it's a serious injury?
- [15] A Well, if it real serious, either I
- [16] would have to take him or call the ambulance.
- [17] Q Call 911?
- [18] A Yes.
- [19] Q Somebody, God forbid, had a heart
- [20] attack?
- [21] A Yes.
- [22] Q You wouldn't just wait for a truck,
- [23] you'd take care of it yourself?
- [24] A Yes.
- [25] Q Okay. That's your decisions to make?

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- [ 1] A Yes.
- [ 2] Q Okay. And if you could spare a man
- [ 3] from your crew, you would?
- [ 4] A Yes.
- [ 5] Q And you would tell the man, whoever it
- [ 6] is, "Don't come to work for me tomorrow, go to work
- [ 7] for this other crew leader"?
- [ 8] A Yes.
- [ 9] Q All right. And the same would happen
- [10] with the other crew leaders: If you were short, you
- [11] could go to them and ask them if they had an extra
- [12] catcher?
- [13] A Yes.
- [14] Q And if they did, they would assign that
- [15] catcher to your crew?
- [16] A Yes.
- [17] Q Okay. Let me ask you this, sir: Have
- [18] you ever recommended to anybody at the company that
- [19] one of the people who's a catcher for you be given a
- [20] forklift job?
- [21] A No.
- [22] Q You have never done that?
- [23] A No.
- [24] Q So the forklift people that you have
- [25] worked with since you were a crew chief since 1999, I